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October 12, 2007

VIA FEDERAL EXPRESS

MEMO ENDORSED

Magistrate Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: Orlandy Arbalaez v. Imperial Parking (U.S.), Inc.
Case No.: 07-CV-4630 (CM)(KNF)

Dear Judge McMahon:

This firm represents the defendants in connection with this matter.

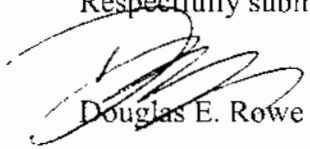
By this letter, I am moving to amend the answer to include the seventh affirmative defense, which states as follows: "to the extent that plaintiff is entitled to unpaid overtime wages, defendant is entitled to an offset/credit for overpayments made to plaintiff." A copy of the proposed amended answer, with this additional affirmative defense, is attached hereto.

The basis for this proposed amendment is that, in reviewing defendant's records, it has been learned that plaintiff was overpaid for vacation pay during the course of his employment with defendant.

Based on the foregoing, I am respectfully requesting the court's permission to file the amended answer in the form annexed.

Thank you for your courtesies.

Respectfully submitted,


Douglas E. Rowe (DER 6261)

DER:ga

cc: Abdool Khalil Hassad, Esq. (Via Federal Express)